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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,959	05/10/2001	Vickie Lynn Brewer	TUC920010026US1	5329
33595 7590 05/02/2008 INTERNATIONAL BUSINESS MACHINES CORPORATION 9000 SOUTH RITA ROAD TUCSON, AZ 85744				
EXAMINER HUTTON JR, WILLIAM D				
ART UNIT 2176		PAPER NUMBER		
NOTIFICATION DATE 05/02/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

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Application No.**Applicant(s)**

09/852,959

BREWER ET AL.

Response to Rule 312 Communication**Examiner****Art Unit**

DOUG HUTTON

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 13 November 2007 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

The amendment under 37 C.F.R. 1.312 is disapproved at least because it does not comply with 37 C.F.R.

1.121(c), which states, "Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, CANCELLATION OF AN EXISTING CLAIM or addition of a new claim, MUST include a COMPLETE LISTING OF ALL CLAIMS EVER PRESENTED, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the STATUS of every claim MUST be indicated after its claim number by using one of the following identifiers IN A PARENTHETICAL EXPRESSION: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered)."
Emphasis added.

The amendment cancels Claim 20, yet fails to mention Claim 26. Thus, the amendment fails to include a complete listing of all claims ever presented whenever a claim is cancelled, as required in 37 C.F.R. 1.121. Also, the amendment fails to include a status identifier for Claim 26, as required in 37 C.F.R.1.121. Finally, the amendment fails to indicate the statuses of Claims 1-11 and 14-25 in parenthetical expressions, as required in 37 C.F.R. 1.121.

/Doug Hutton/
Supervisory Patent Examiner
Technology Center 2100